

REMARKS

Applicants have carefully considered the October 26, 2005 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 11-13 were pending in this application. In response to the Office Action dated October 26, 2005, claims have been amended. New claim 14 has been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification, including page 5, lines 14-18; page 6, lines 9-12; page 8, lines 15-19; page 14, line 21 to page 15, line 3 (Example 1); page 20, lines 20-22 (in Example 5); page 22, lines 15-16 (in Example 6); page 29, lines 11-14. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Initially, Applicants respectfully request that the Examiner acknowledge Applicants' claims for foreign priority and receipt of the priority document in the next Official action.

Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chapman, Jr. et al. (U.S. Pat. No. 5,547,761, hereinafter "Chapman") in view of Becker et al. (U.S. Pat. No. 4,454,047, hereinafter "Becker"). The Examiner asserted that Chapman teaches the process steps of claim 1, but for the settlement of the mixture following the stirring step. The Examiner stated, however, that Chapman does disclose decanting the floating polymer powder without disturbing the sediment and, therefore, the Examiner concluded that sedimentation must inherently exist because a solid phase of precipitation in the mixture, together with the liquid

phase containing the floated polymer powder, is already formed. The Examiner stated that Becker teaches a removal process for oils and solids from aqueous systems and, therefore, it would have been obvious to allow for the settling of the stirred mixture (such as a copolymer dispersion) in the process of Chapman in order to allow for the formation of aqueous and non-aqueous phases as stratified layers, as suggested by Becker. Applicants respectfully traverse.

In accordance with the present claimed invention, a method is provided by which a polyvinylidene fluoride copolymer having a relatively high molecular weight is selectively removed from the copolymers after polymerization and a polyvinylidene fluoride copolymer having relatively low molecular weight is selectively obtained. See page 4 lines 3-21. As a result, a uniform thin film of a polyvinylidene fluoride copolymer can be obtained. The copolymer particles floating in the upper part of the mixture are separated from the copolymer particles precipitated in the lower part of the mixture. See page 8 lines 3-21.

The concept of separating low molecular polyvinylidene fluoride copolymer from high molecular polyvinylidene fluoride is alien to the applied prior art. Chapman teaches the separation of a non-water-wet powder which floats on the water. Becker teaches separation of an oil phase from a water phase. Neither Chapman nor Becker, alone or in combination, teaches the separation of the copolymer particles floating in the upper part of the mixture from the copolymer particles precipitated in the lower part of the mixture. Applicants submit that neither reference recognizes that a thin film having improved properties can be obtained by the pertinent steps of separating the copolymer particles (low molecular weight) floating in the upper part of the mixture from the copolymer particles (high molecular weight) precipitated in the lower part of the mixture. Furthermore, none of the cited references discloses the step of repeating the processes of stirring, settling and separation, as a method for removing the polymer having a high molecular weight.

Applicants respectfully submit that the Examiner has failed to discharge the initial burden of establishing a prima facie basis to deny patentability to the claimed invention as a whole under 35 U.S.C. § 103. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Applicants, therefore, respectfully submit that the imposed rejection of claims 11 and 12 under 35 U.S.C. § 103 for obviousness predicated upon Chapman in view of Becker is not viable and, hence, solicit withdrawal thereof.

Dependent claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chapman in view of Becker and Hiraga et al. (U.S. Pat. No. 6,268,469, hereinafter “Hiraga”) and further in view of Tsutsumi et al. (E.P. Pat. App. No. 0 508 802 A1, hereinafter “Tsutsumi”). Applicants respectfully traverse.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection of claims 11-12 under 35 U.S.C. § 103(a) predicated upon Chapman and Becker. The remaining cited references do not cure the argued deficiencies of Chapman and Becker.

Hiraga discloses the solid-liquid separation method of an emulsified dispersion of fluorine-containing polymer particles as well as a washing step to remove residues of the initiator, emulsifying agent and the coagulant (column 4, lines 35-39). However, Hiraga does not teach the method repeating the operation of stirring, settling and separation to remove the precipitated copolymer particles.

Tsutsumi discloses a ferroelectric film of a copolymer comprising vinylidene fluoride and trifluoroethylene and discloses the process of solid-liquid separation, washing, filtration and drying (page 4, lines 20-23). However, Tsutsumi does not recognize that there are copolymer particles floating in the upper part of the mixture and copolymer particles precipitated in the lower part of the mixture. Further, Tsutsumi does not disclose the repeating process of stirring, settling and separation.

Thus, even if the applied references are combined as suggested by the Examiner, and Applicants do not agree that the requisite realistic motivation has been established, the claimed invention will not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). Therefore, it is respectfully submitted that the imposed rejection under 35 U.S.C. § 103, is not legally viable and hence, Applicants solicit withdrawal thereof.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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